

**REMARKS/ARGUMENTS**

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 11 - 22 are pending in the application. Claims 11 - 20 currently stand rejected.

By the present amendment, claim 11 has been amended; and claim 22 has been cancelled without prejudice in view of the amendment to claim 11.

In the office action mailed December 1, 2009, claims 11 - 17 and 19 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,400,414 to Thiele; and claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Thiele in view of U.S. Patent No. 4,998,283 to Nishida et al.

The foregoing rejections are traversed by the instant response.

Claim 11, the sole independent claim in the application, is directed to a movie theater system for the projection of cinematographic works or digital works with sound with at least one sound channel, comprising: a theater having a back wall; a screen spaced from said back wall; a plate of sound-absorptive material disposed between the wall and the screen; at least one sound channel comprising at least one woofer and at least one medium/treble speaker; the screen being a non-perforated screen; the at least one medium/treble speaker comprising a flat sound transducer placed against the screen to a rear thereof in relation to a direction of projection; and an extreme treble speaker being disposed on a periphery of the screen.

The Examiner is thanked for the courtesy of conducting a personal interview with the undersigned attorney, the inventor Mr. Pierre Vincent, and Mr. Maximilien Brabec. During the interview, the above amendments to claim 11 were discussed. It was agreed by the Examiner that they would place the case in condition for allowance.

Further during the interview, there was a discussion of the attached declaration from Mr. Cal Orr which has been submitted to show that Applicant's invention has solved a long standing need in the movie industry. As pointed out by Mr. Orr, perforated screens first came into existence in the 1960s. Since that time, the movie industry has struggled with the manner in which movie viewers encounter the sound associated with movies being displayed on the perforated screens. The principal issue facing the movie industry all these years has to do with the perforations in the screen, which perforations have prevented improving the sound and the image experience simultaneously. With regard to the image being displayed on the screen, the perforations have a number of effects which are spelled out in paragraph 7 of the Orr declaration. The perforations also encumber the sound experience because the sound is reflected by the walls of the perforations. It was pointed out to the Examiner that Mr. Orr states that the Vincent invention set forth in the instant application has solved a long felt need in the movie industry. See paragraph 8 of the Orr Declaration. Further, Mr. Orr states in paragraph 10 of the Declaration that the Vincent invention was not an obvious solution. In paragraph 13 of the Declaration, Mr. Orr points out the uniqueness of the Vincent invention, which uniqueness is set out in claim 11. In paragraphs 14 and 15, Mr. Orr points

out that the Vincent invention has been successfully received by his employer, the company Fotokem.

During the interview, the Examiner was shown the attached document entitled "Perforations." It was pointed out to the Examiner that the frequency curves shown in this document for non-perforated screens when used with the Vincent sound system actually look like the curves for the 2% perforated screen.

Further during the interview, the Thiele patent was discussed. It was pointed out that this patent is directed to a loudspeaker for a television display and does not address the problems of displaying a movie in a theater and finding the solution that Applicant has found to those problems. As pointed out during the interview, amended claim 11 concerns a system for the projection of digital cinematographic works with sound, whose problems are clearly different from the ones encountered by television screens. According to the specification of the instant application, the woofer is able to produce sounds with a frequency that is lower than around 500 Hz, the medium/treble speaker is able to produce sounds in a range of around 500 Hz to 4 kHz and the extreme treble speaker is able to produce sounds with a frequency that is higher than around 4 kHz. Thiele only discloses a system including a bass loudspeaker, a mid-range loudspeaker, and a tweeter. A mid-range loudspeaker and a tweeter cannot be considered as a medium/treble speaker and an extreme treble speaker, because the frequencies are not the same for the types of loudspeaker that were previously named. Thiele is silent towards the frequencies of the high and low frequency tones that are reproduced by the speakers.

Therefore, the skilled person in the art, starting from Thiele and trying to improve accuracy, would not have found any incentive or motivation to transform the mid-range loudspeaker

and the tweeter respectively into a medium/treble speaker and an extreme treble speaker. Again, the problems encountered by Thiele and those encountered by Applicant are quite different. As a consequence, the skilled person in the art would not have used the teaching of Thiele and would not have modified it to obtain the subject matter of claim 11.

The medium/treble speaker of claim 11 is a flat sound transducer placed against the screen to the rear thereof in relation to the direction of projection. If one considers that the mid-range loudspeaker may be a medium/treble speaker, there is no disclosure in Thiele where the speaker is towards the screen. Indeed, it may be behind the screen but not affixed to it (col. 4, l. 11- 12 of Thiele), or affixed to the screen but not behind (claim 3 of Thiele), or contained in the screen but not behind and at the end of it (claim 7 of Thiele). Therefore, Thiele does not teach one to place a medium/treble speaker against the screen to the rear thereof in relation to the direction of projection. The skilled person in the art, starting from Thiele and searching for a better accuracy of the system, would not have found any motivation to combine a disposition of the speaker against the screen and a disposition of the speaker to the rear thereof in relation to the direction of projection. As a consequence, the skilled person in the art would not have used the teachings of Thiele and modify it to obtain the subject matter of claim 11.

Still further, Thiele is not directed to a movie theater having a non-perforated screen and at least one sound channel. Because it is directed to a television system and not a movie theater type system, Thiele does not disclose a plate of sound-absorptive material disposed between a back wall of the room and the screen. Further, Thiele does not disclose the use of a non-

perforated screen. For these reasons, Thiele does not teach or render obvious the invention being claimed in amended claim 11.

It was agreed that because Applicant has solved a long standing problem in the movie industry in a unique way, claim 11 as amended herein was allowable.

Attached hereto is a copy of a March 2007 article entitled "Is there a future without perforations?" which discusses the benefits of the present invention. It is submitted that this article further shows that Applicant's invention is unique and an improvement on existing technologies. Also attached hereto is Mr. Jean Goudier's Testimony about using Showmax in France. Mr. Goudier is quoted in the aforementioned article.

Also attached hereto is the article "Sound Transmission Through Perforated Screens." This article details the problems associated with passing sound waves through perforated motion-picture screens.

For the foregoing reasons and the reasons set forth in Applicant's prior response, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Applicant hereby requests that the suspension of the instant application be removed and the application be forwarded to the Examiner for further action.

Should the Examiner believe a further amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

No fee is believed to be due as a result of this response.

If any additional fee is required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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